IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8439 OF 2004

M/s.Dazzle Master Disc Pvt.Ltd. .. Petitioner.
V/s.
Union of India & Others .. Respondents.

Mr.F.J. Pochkhanwala, Senior counsel with Mr.S.N. Kantawala & Mr.B. Somandy i/b. Yogesh Rohira for the petitioner.

Mr.H.V. Mehta with Mr.Y.S. Bhate i/b. T.C. Kaushik for respondent Nos.1 and 2.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 29TH OCTOBER, 2004.

P.C. :

During the course of hearing, the learned senior counsel appearing for the petitioner and the learned counsel for the respondents agreed that the merits of the contentions raised by the parties need not be examined by us and the question of provisional release of the goods may be left to be determined by the Commissioner of Customs, Nhava Sheva.

2. In the light of the submissions of the learned senior counsel and the counsel for the parties, we dispose of the writ petition by following order :

i) The Commissioner of Customs, Nhava Sheva shall decide the question of provisional release of seized goods as early as possible and in no case later than two weeks from the date of appearance of the petitioner. Such order shall be passed by the Commissioner of Customs after hearing the petitioner.

ii) The petitioner shall appear before the Commissioner of Customs, Nhava Sheva on November 2, 2004.

iii) All contentions raised in the writ petition are kept open to be agitated subsequently, if necessary.

3. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)